

PART ONE
SECTIONS 1 B 11

1. Contact / General Information

A. Full legal name and any former names:

Paul Ross Cherry

B. State the full names (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the house-hold (other than yourself), also state the person's occupation and employer:

Kristina Rene Bachman Cherry
Wife
Executive Director, Northeastern Indiana CASA, Inc.
(GAL/CASA program for five counties)

C. Business address, email, and telephone number:

Hon. Paul R. Cherry
Magistrate Judge
United States District Court
Suite 3500
United States Courthouse
5400 Federal Plaza
Hammond, Indiana 46320

paul_cherry@innd.uscourts.gov

219-852-6700 (chambers)
219-689-5420 (cell)

D. Attorney Number

3202-17

E. Month and year you were admitted to the Indiana Bar:

October 1978

a. Indicate current law license status:

Active in Good Standing

b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date of admission and current license status:

Ohio

Admitted April 1978

Inactive license

F. Date and place of birth:

February 24, 1951

Charlotte, Eaton County, Michigan

G. County of current residence and date you first became a resident:

Noble County

July 2014

2. Secondary Education / Military Experience

A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when:

Huntington University, Huntington, Indiana
Fall 1969 B Spring 1973
Bachelor of Arts degree
Graduated cum laude
Class rank: 14 / 99

B. Include with your original application a certified transcript from each school named in Subsection 2A and attach copies of each transcript to each application copy:

Transcript included.

C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork):

Not applicable.

3. Post-Secondary Education

A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when:

Ohio Northern University, Ada, Ohio
Fall 1975 B December 1977
Juris Doctor degree
Class rank: 23 / 157
Award for highest grade in Federal Procedure class
Dean's List

National Judicial College
University of Nevada at Reno
Spring 1993 (one week intensive course)
Course for Judges on handling death penalty cases
Certificate of Completion

Indiana Judicial College
1989 B 1994
Certificate of Completion

B. Include with your original application a certified transcript from each school named in Subsection 3A and attach copies of each transcript to each application copy.

Law school transcript included.
No transcripts used by National Judicial College
and Indiana Judicial College.
Certificates of Completion included.

4. Employment

A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment:

McDonalds Restaurant - Grand Rapids, Michigan.
Summer 1973. General duties.

NAPA Distribution Center - Grand Rapids, Michigan.
Summer 1973. Warehouse inventory stocking.

Kelvinator, Inc. - Grand Rapids, Michigan.
September 1973 - September 1974. Parts Expediter.

Green's Apparel - East Lansing, Michigan.
December 1974 - August 1975. Delivery van driver.

(August 1975 - July 1978. Attended law school and studied for two bar exams.)

Kruse, Kruse, & Cherry Law Firm - Auburn, DeKalb County, Indiana.
July 1978 - December 1988. General law practice. Began as an associate attorney; then became a partner.

State of Indiana - DeKalb County Prosecuting Attorney's Office - Auburn, DeKalb County, Indiana.
June 1980 - December 1982. Deputy Prosecuting Attorney. Part-time while also practiced law.

State of Indiana - DeKalb County Prosecuting Attorney's Office - Auburn, DeKalb County, Indiana.
January 1983 - December 1988. Served as the elected Prosecuting Attorney. Part time while also practiced law. Elected twice.

State of Indiana - DeKalb County Circuit Court - Auburn, DeKalb County, Indiana.

January 1989 - October 2003. Served as the elected Circuit Court Judge. Elected three times.

United States - U.S. District Court for the Northern District of Indiana.

October 2003 to present. United States Courthouse, Hammond, Indiana. United States Magistrate Judge. Appointed position.

Huntington University - Huntington, Indiana.

1980-1983; 1987; 1989; 1991-2002.

Adjunct faculty. Taught evening courses in Business Law; American Constitutional Development. Taught 19 classes.

Valparaiso University Law School - Valparaiso, Indiana.

2004 to present. Adjunct faculty. Teach evening courses in Trial Advocacy; Advanced Discovery. Have taught 12 classes so far.

Calumet College of St. Joseph - Whiting, Indiana.

2007-2014. Adjunct faculty. Taught evening courses in Contracts; Civil Litigation. Taught 16 classes.

B. If applicable, describe the nature and extent of your practice of law (present and former) and provide the names of your partners, associates, office mates, and employers.

In the private practice of law:

My law partners were David A. Kruse (actively practicing law) and Derald D. Kruse (deceased). We had a general law practice with offices near the courthouse square in a county seat community (Auburn, DeKalb County). My time in private practice was July 1978 - December 1988.

My typical clients were individuals and small businesses. Matters I handled included personal injury, corporate law, business law, wills, estates, guardianships, trusts, dissolution of marriage, child custody, child support, child visitation, real estate law, contracts, criminal defense (before joining the DeKalb County Prosecuting Attorney's Office), debt collection, municipal law, auction law, secured transactions, consumer law, municipal law workers compensation, employment law, bankruptcy, administrative law, child adoption, and others.

During 8.5 of these 10.5 years I served in the DeKalb County Prosecuting Attorney's Office which precluded our law firm from handling criminal cases.

During those 8.5 years I practiced law part-time for our law firm and part-time as Deputy Prosecuting Attorney and as the elected Prosecuting Attorney.

As Deputy Prosecuting Attorney and the Elected Prosecuting Attorney:

My time as DeKalb County Deputy Prosecuting Attorney was June 1980 - December 1982. My time as the elected DeKalb County Prosecuting Attorney was January 1983-December 1988. I was elected to two terms. During my second term I was elected Judge.

While I was a Deputy Prosecuting Attorney, I personally handled the heaviest criminal caseload of any attorney in the office; I was also the sole Title IV-D Deputy Prosecuting Attorney for child support matters; and I was the assigned Deputy Prosecuting Attorney to direct arson investigations.

While I was the elected DeKalb County Prosecuting Attorney, I administered the Prosecuting Attorney's Office; assigned a heavier criminal caseload to me than to any of the Deputy Prosecuting Attorneys; screened all in-coming cases; made the charging decisions; conducted thousands of court hearings; conducted Grand Jury investigations; handled search warrant requests, including at all hours of the night and weekends; administered the bad check collection program; attended autopsies in homicide cases;

conducted several seminars for local law enforcement officers; was an active member of the DeKalb County Drug Task Force and prosecuted the court cases it generated; and served as Special Prosecutor by appointment in several nearby counties.

During my 8.5 years in the DeKalb County Prosecuting Attorney's Office, I personally handled more court hearings in DeKalb County than any other attorney.

During my 6 years as the elected DeKalb County Prosecuting Attorney, I filed an average of 676 new felony and misdemeanor cases per year (many cases with multiple charges), in addition to hundreds of new juvenile cases, child support enforcement cases, and traffic cases.

Cases I personally handled include a death penalty case, approximately 10 - 12 murder cases, several other homicide cases, attempted murder, manslaughter, rape, robbery, armed robbery, bank robbery, arson, burglary, OVWI causing death, felony and misdemeanor OVWI, child molestation, major drug manufacture, dealing, and possession, battery, aggravated battery, theft, conversion, check deception, bribery, public corruption, official misconduct, cemetery mischief, other mischief, child pornography, firearms offenses, false information, confinement, kidnapping, conspiracy, credit card fraud, street gang matters, deviate sexual conduct, disorderly conduct, domestic abuse, escape, impersonation of a police officer, false informing, resisting law enforcement, fleeing, fraud, habitual offender, harassment, harboring a criminal, intimidation, juvenile delinquency, money laundering, leaving the scene of an accident, neglect of children and disabled adults, perjury, railroad offenses, receiving stolen property, recklessness, sale of a baby, possession and sale of sawed-off shotguns, stalking, felony and misdemeanor child support offenses, tampering, trespass, visiting a common nuisance, welfare fraud, and many others.

5. Trial / Judicial Experience

A. Describe the extent of your jury trial experience, if any:

As an attorney in private practice I conducted two civil jury trials (representing plaintiffs) and approximately five criminal jury trials (representing defendants). Those jury trials were in DeKalb, Allen, and Steuben counties.

As a Prosecuting Attorney and Deputy Prosecuting Attorney I conducted approximately 45 criminal jury trials including one felony-murder death penalty jury trial, which eventually resulted in execution of the defendant, approximately 6 murder jury trials, and numerous other major felony jury trials. Those jury trials were in DeKalb, Allen, Steuben, LaGrange, Noble, Huntington, Wells, Delaware, Tippecanoe, and Boone counties.

As DeKalb County Circuit Court Judge I conducted approximately 50 jury trials (approximately 40% were civil jury trials; approximately 60% were criminal jury trials) including several murder trials and many major felony jury trials. Most of those trials were in DeKalb County. I presided in jury trials as Special Judge in Allen, Steuben, Noble, Huntington, Whitley, and Wells counties.

As United States Magistrate Judge for the United States District Court, Northern District of Indiana, I have conducted 24 federal jury trials (all civil). 22 jury trials were at the U.S. Courthouse in Hammond; 2 were at the U.S. Courthouse in Lafayette.

As an attorney, Prosecutor, and Judge I have tried or conducted approximately 125 jury trials.

Although not jury trial experience, for 11 years I have taught (and continue to teach) third year law students how to conduct jury trials (Trial Practice course B adjunct faculty B Valparaiso University Law School).

B. Describe the extent of your bench trial experience, if any.

As an attorney in private practice I conducted approximately 10 - 15 bench trials, both civil and criminal.

As DeKalb County Circuit Court Judge I conducted approximately 20 - 40 bench trials, both civil and criminal.

As Magistrate Judge for the United States District Court, Northern District of Indiana, I have conducted approximately 10 - 20 bench trials, both civil and criminal.

C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

As an attorney in private practice, I occasionally served as Judge *Pro Tempore* in civil and criminal matters in the DeKalb Circuit Court and DeKalb Superior Court (estimate 10 - 20 days).

I served 14 years and 9 months as the elected DeKalb County Circuit Court Judge. During that time we had one of the heaviest caseloads of any trial court in northeast Indiana. I decided many major civil and criminal matters. I handled one death penalty case during that time, which eventually resulted in a guilty plea and sentencing. I handled criminal cases at every level of felony and misdemeanor, the vast majority being felony cases.

The kinds of cases I regularly handled in state court include civil tort, civil plenary, civil collection, mortgage foreclosure, quiet title, child custody, child support, child visitation, dissolution of marriage, mental health, adoption, decedent's estates, guardianships, receiverships, trusts, children in need of services, termination of parental rights, juvenile delinquency, juvenile status, paternity, wrongful death, adoption, administrative law, municipal law, zoning, land condemnation, air space condemnation, statutory interpretation, protection orders, environmental law, attorney discipline, aircraft crash, declaratory judgment, temporary

restraining order, preliminary and permanent injunction, extradition, and other types of cases.

It was common for me to handle mental health commitments (from my home) and conduct search warrant hearings (at the courthouse) at any hour throughout the night and on weekends. Due to the heavy caseload, a few times I held court sessions on Saturdays, and a few times started court hearings at the courthouse early mornings, sometimes as early as 5:00 a.m. I had no judicial clerks.

I served as Special Judge in civil and criminal cases in courts in Allen, Steuben, LaGrange, Noble, Huntington, Whitley, and Wells counties.

For the past 12 years I have served, and continue to serve, as Magistrate Judge for the United States District Court, Northern District of Indiana.

I handle all categories of federal criminal cases for all preliminary matters up to the point of trial and sentencing. Criminal hearings which I regularly conduct include initial appearance, probable cause, detention, arraignment, attorney representation, competency to stand trial, search warrant, pen register, tracking device, removal to another federal district, bond revocation, final pre-trial conference, federal misdemeanor trial, guilty plea, sentencing, felony guilty pleas, and other types.

I handle all categories of federal civil cases, based on either diversity jurisdiction or federal question jurisdiction. I manage the discovery process and decide discovery disputes in hundreds of active pending civil cases. I conduct civil jury trials and bench trials.

The kinds of federal civil cases I regularly handle include personal injury, employment discrimination, Section 1983 civil rights violations-- usually police excessive force cases, discrimination (race, sex, age, national origin, disability, political affiliation, work place accommodation), fair labor standards, insurance coverage disputes, contract disputes, copyright infringement, trademark infringement, trade secret infringement, patent

infringement, wrongful death, fraud, ERISA, consumer credit, asset forfeiture, environmental, administrative law, municipal law, zoning, statutory interpretation, class action, declaratory judgment, temporary restraining order, preliminary and permanent injunction, qui tam, cases under the Jones Act (maritime), Americans With Disabilities Act, Family and Medical Leave Act, Fair Credit Reporting Act, Fair Debt Collection Act, Fair Labor Standards Act, Fair Housing Act, Clean Water Act, Clean Air Act, National Park Service infractions, social security disability appeals, and many other types of cases.

I conduct settlement conferences to settle civil cases at the request of other federal Judges and attorneys.

I have presided over and spoken at approximately 35 citizenship naturalization ceremonies.

I have handled cases and held hearings and / or trials in United States Courthouses in Hammond, Lafayette, South Bend, Fort Wayne, and Indianapolis.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6AB6C.

Four writing samples are included.

A. If applicable, list up to five trial or appellate briefs and / or judicial opinions you have written. Refer to them by caption, case number, and filing date.

1. United Rural Electric Membership Corporation v.
Indiana Michigan Power Company
DeKalb Circuit Court, 17CO1-9012-CP-122
Written judicial decision issued November 30, 1992
Court of Appeals of Indiana published opinion issued March 27, 1995
648 N.E.2d 1194 (Ind. Ct. App. 1995)
2. Rebecca J. Brown and Bret M. Brown v.
Ransburg Industries and/or d/b/a Devilbiss Ransburg Industrial
Coating Equipment and Freda, Inc.
Steuben Circuit Court, 76CO1-9312-CT-628
Written judicial decision issued June 21, 1995
Court of Appeals of Indiana published opinion issued December 21,
1995
659 N.E.2d 1081 (Ind. Ct. App. 1995)
3. Kevin W. Smith, Gina Smith, Christopher P. Moore, Henry L. Smith,
Karen Smith, Steven E. Hanna, and Christine Hanna v.
R. Max Miller, Edward Nix, and Bowman Aviation, Inc.
Allen Superior Court, 02DO1-9710-CT-397
Written judicial decision issued December 7, 1999
Court of Appeals of Indiana unpublished opinion issued October 11,
2000
4. The City of Gary, Indiana v.
Paul Shafer d/b/a Paul's Auto Yard and Paul's Auto Yard, Inc. v.
Waste Management Systems n/k/a Waste Management of Indiana,
LLC
United States District Court, Northern District of Indiana,
2:07-CV-056-PRC
Written judicial decision issued February 10, 2010
683 F. Supp. 2d 836 (N.D. Ind. 2010)

5. Apex Colors, Inc. v. Chemworld International Limited, Inc.,
Chemworld International Limited, LLC, Atul Modi, Manoj Modi, and
Paul Bykowski
United States District Court, Northern District of Indiana,
2:14-CV-273-PRC
Written judicial decision issued June 30, 2015

B. If applicable, list up to five legislative drafts or court rules you have written or to which you have contributed significantly. Refer to them by official citation, date, and subject matter.

While serving as DeKalb County Circuit Court Judge handling child visitation issues, I drafted a standard DeKalb Circuit Court Child Visitation And Access Order.

Some other state court Judges in northeast Indiana adopted *verbatim* its use in their courts (changing the name in the title to their court name).

When a study committee was formed by the Indiana Supreme Court to draft parenting time guidelines for possible state-wide adoption, the Chair of the Committee asked me for a copy of my standard Order and asked permission to consider it in the Committee's work.

The Indiana Parenting Time Guidelines were adopted by the Indiana Supreme Court in 2000; they took effect in 2001. I recognize the wording in portions of the guidelines to be similar to wording in my standard Order.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Not applicable.

Although not for a legal journal, I wrote a series of 17 short articles published September 1987 through December 1987 in the Evening Star newspaper (Auburn) on various parts of the United States Constitution. The

articles were for a general reading audience. They were written and published on the occasion of celebrating the 200th anniversary of the U. S. Constitution.

D. Identify the five most significant legal matters entrusted to you, whether as a Judge or lawyer, and describe why you believe them to be so.

1. Death Penalty Case

State of Indiana v. David Leon Woods was a felony-murder death penalty case I handled and tried to a jury as DeKalb County Prosecuting Attorney representing the State of Indiana. The Defendant Mr. Woods was a 19 year old man who stabbed, 21 times, and murdered a 67 year old man, an immigrant to the United States and the father of 12 adult children, in the course of a residential burglary and robbery.

I coordinated the investigation and large-scale trial preparation. I filed a request for imposition of the death penalty. Due to substantial news media publicity, venue of the trial was transferred to Boone County. It was tried to a sequestered jury. The trial lasted 2 2 weeks. I tried the case alone against two defense attorneys while also coordinating the logistics and support matters attendant to a large-scale jury trial a significant distance away.

The 12 person jury returned verdicts of guilty and returned a death recommendation. Upon argument, I obtained a sentence of death from the trial Judge.

The case was appealed to the Indiana Supreme Court which affirmed the verdicts, sentences, and death penalty in all respects in published opinions. The case then made its way through the federal court system with the verdicts, sentences, and death penalty remaining unchanged.

Mr. Woods was executed in 2007 at the Michigan City Prison. I was given permission by the Indiana Department of Correction to attend the execution. I chose to not attend.

It was DeKalb County's first death penalty case in over 100 years. It concerned and interested DeKalb County citizens. An economically poor, uneducated, elderly immigrant victim and his family were given the same respect that would have been given to a victim and family of higher community standing.

DeKalb Superior Court, 17DO1-8404-CF-160 (formerly SCR-84-160)

Boone Superior Court, 1985 S7007

Indiana Supreme Court:

547 N.E.2d 772 (Ind. 1989)

557 N.E.2d 1325 (Ind. 1990)

701 N.E.2d 1208 (Ind. 1998)

863 N.E.2d 301 (Ind. 2007)

United States District Court, Southern District of Indiana:

302 F. Supp. 2d 915 (S.D. Ind. 2004)

United States Court of Appeals for the Seventh Circuit:

430 F. 3d 813 (7th Cir. 2005)

234 Fed. Appx. 409 (7th Cir. 2007)

United States Supreme Court:

501 U.S. 1259 (1991) (cert. denied)

528 U.S. 861 (1999) (cert. denied)

549 U.S. 958 (2006) (cert. denied)

550 U.S. 930 (2007) (cert denied)

2. Clarification of Indiana Tort Law

Brown v. Ransburg Industries and Freda, Inc. was a civil case in which I presided as Judge. It was a lawsuit by a woman who was a factory employee. While pregnant and working she became ill from inhaling paint fumes at the factory. Her baby was born alive but died hours later due to a lung disorder caused by the paint fumes while in the mother's womb. The baby's parents sued the factory and the painting contractor.

The child suffered the injury while unborn, was born alive, then the injury caused a prompt death. There was no Indiana legal precedent at the

time. On summary judgment I ruled that the parents had a legally cognizable claim.

The decision was appealed to the Court of Appeals of Indiana. It affirmed my decision in a published opinion. It established new case law precedent in Indiana personal injury cases. The Indiana Supreme Court denied transfer, letting my decision and the appellate decision stand.

Steuben Circuit Court, 76CO1-9312-CT-628 (I was Special Judge)
659 N.E.2d 1081 (Ind. Ct. App. 1995)

3. Large Amount of Money at Stake

United REMC v. Indiana Michigan Power Company was a civil case in which I presided as Judge. It was a dispute over which electric utility provider had the right to provide electric utility service to a particular location.

The electric utility consumer was the General Motors Truck Assembly Plant near Fort Wayne, at that time the largest single electricity consumer in the state of Indiana. At stake in the case was 29 million dollars in gross electricity revenues, to date, and the right to provide future electricity service.

There were 12 lawyers of record in the case. The matter was vigorously contested. The matter began in an Allen County court. The lawyers agreed that the case be transferred to the DeKalb Circuit Court and asked me to accept it. Statutory interpretation was important in deciding the case. I decided the case on cross-motions for summary judgment and a motion to dismiss. I issued a 30 page decision. It was affirmed by the Court of Appeals of Indiana.

DeKalb Circuit Court, 17CO1-9012-CP-122
648 N.E.2d 1194 (Ind. Ct. App. 1995)

4. Complex Case of Public Interest

City of New Haven v. Chemical Waste Management of Indiana, et al., was a combination of related civil cases in which I presided as Judge. It involved a city government (New Haven), the Allen County Board of Commissioners and Board of Zoning Appeals, multiple corporations, environmental interest groups and groups of private citizens. The City, interest groups, and private citizens opposed expansion of the Adams Center landfill, a hazardous material depository in Allen County, by Chemwaste, a large international business, and other related businesses, seeking expansion of the landfill. At that time the landfill was the only hazardous material depository in the state of Indiana. They were cases of legal, factual, and procedural complexity. Justice Frank Sullivan, Jr. personally asked me to preside in them. The Indiana Supreme Court assigned me as Special Judge.

Deciding the matters included my review and analysis of 20,000 pages of administrative agency transcripts (with no clerk or assistant). The case documents were delivered to my office by truck in 20 boxes. The local newspaper ran a front page photo of the truck delivering the documents to the courthouse. The case had strong public interest in northeast Indiana, particularly in Allen County.

The cases intertwined environmental issues and local government issues. The cases were mentioned on NPR (National Public Radio) network national news. Vocal opponents of the landfill expansion conducted strategy meetings and demonstration marches. The case generated two editorial page cartoon-type drawings in Fort Wayne newspapers depicting my rulings.

Several lengthy pre-trial court hearings were held. There were 19 lawyers of record in the case. On four consecutive Saturdays I worked 10 hour days at the courthouse (so I could have uninterrupted blocks of quiet, productive time) reviewing the documents, researching, and writing. I issued 12 substantive written pre-trial decisions.

My rulings were appealed to the Court of Appeals of Indiana. It issued a 24 page published opinion affirming my rulings in all respects. My rulings

and their affirmation on appeal led to a global settlement of all the cases before trial.

Allen Circuit Court, 02CO1-9506-CP-642 and 02CO1-9506-CP-764
(I was Special Judge)
701 N.E.2d 912 (Ind. Ct. App. 2000).

5. Wrongful Conviction and Sentence

Larry Mayes v. City of Hammond, et al., was a civil case in federal court in which I presided as Judge. Mr. Mayes' Amended Complaint alleged seven claims against the City of Hammond, its Police Chief, and seven police officers. His primary claims were constitutional claims of violation of his civil rights alleging wrongful arrest, conviction, and imprisonment.

In 1981 Mr. Mayes was arrested and charged in Lake Superior Court with rape, unlawful deviate conduct, armed robbery, and being a habitual offender. He was convicted of the charges and sentenced to 110 years in prison.

In 2001 the Innocence Project accepted his case and filed a petition seeking DNA testing. The accuracy and sophistication of DNA testing had improved in the interim. The DNA testing exonerated Mr. Mayes. The state court sentencing Judge ordered Mayes' release from prison. Mr. Mayes had been imprisoned for nearly 21 years.

Mr. Mayes filed this civil lawsuit based, in part, upon his exoneration by the DNA test result. He also alleged unduly suggestive and otherwise improper photo arrays showed to the victim by the police, an unduly suggestive identification line-up arranged for the victim by the police, and a hypnotic questioning of the victim by police, all done during the original investigation of the crimes. None of those things was disclosed to or known by either the Prosecutor's Office or Mr. Mayes' attorney at the time of his state court trial, convictions, and sentencing.

In this civil case there were at various times 15 attorneys of record including, for a time, trial attorney Johnnie Cochran, Jr. (O.J. Simpson's lead trial attorney in Simpson's California criminal trial). The attorneys agreed that the case be assigned to me for pre-trial matters and trial. (Attorney Johnnie Cochran, Jr. passed away before the trial began).

Ruling on 10 pre-trial motions, I issued a 107 page order.

A 12 day jury trial was held. The trial received news media coverage including stories on several Chicago television stations. The jury verdict awarded Mr. Mayes 9 million dollars.

The case was appealed to the Seventh Circuit U.S. Court of Appeals. The parties settled the appellate issues, so the appeal was procedurally dismissed without an appellate determination on the merits of the appeal.

Larry Mayes v. City of Hammond, Indiana, et al
United States District Court, Northern District of Indiana,
2:03-CV-379-PRC
Summary Judgment Order published at 442 F. Supp. 2d 587 (N.D.
Ind. 2006)

7. Efforts to Improve the Legal System, Administration of Justice, or Society

A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.

Increase in Juror Pay

While I served as DeKalb County Circuit Court Judge, citizens summoned for potential jury duty in Indiana state court trials were paid \$5.00 per day (plus mileage); if they were selected to serve as jurors they

were paid \$15.00 per day (plus mileage). I felt the pay rate was inadequate, given the inconvenience and sacrifices jurors make in their personal and work lives.

I privately discussed the matter with local elected representatives in the Indiana House and Senate. I urged them to introduce a bill to raise juror pay. They agreed.

When the issue of funding arose, our local Representative in the House asked me for advice. I suggested that court costs for any infraction, state-wide, be increased by \$1.00. My suggestion was accepted.

The bill increased pay for potential jurors to \$15.00 per day (plus mileage) and pay for jurors selected to serve at trial to \$40.00 per day (plus mileage). The bill passed the House and Senate and was signed by Governor Frank O'Bannon. The Governor invited me to the bill-signing ceremony in his office. He gave me an originally signed copy of the bill. It is codified at Indiana Code 33-37-10-1.

Newspaper Articles on the U.S. Constitution

(This response is also a response at 6. C.)

I wrote a series of 17 short articles published September 1987 through December 1987 in the Evening Star newspaper (Auburn) on various parts of the United States Constitution. The articles were for a general reading audience. They were written and published on the occasion of celebrating the 200th anniversary of the U.S. Constitution.

Continuing Legal and Judicial Education Speaking

ICLEF - Fort Wayne - Speaker - An Evening With The Judges - on various legal topics - audience attorneys - 1994;

ICLEF - Clarksville - Speaker - Annual Meeting of Indiana Judicial Conference - on the common law / militia / patriot movement - audience Judges - 1996;

ICLEF - Fort Wayne - Speaker - Unraveling the Mysteries of Local Court Procedure - audience attorneys - 1996;

ICLEF - Fort Wayne - Speaker - Civil Discovery - audience attorneys - 1997;

ICLEF - Indianapolis - Speaker - Annual Meeting of City and Town Court Judges - on the common law / militia / patriot movement - audience Judges - 1998;

ICLEF - Indianapolis - Speaker - Indiana Judges on Indiana Evidence - audience attorneys - 2000;

ICLEF - Fort Wayne - Speaker - Knowing What the Family Court Expects of Counsel - on various family law topics - audience attorneys - 2001;

ICLEF - Indianapolis - Annual Meeting of City and Town Court Judges - on handling difficult pro se parties and other litigants - audience Judges - 2002;

ICLEF - Merrillville - Lake County Bar Association Seminar for Young Lawyers - keynote luncheon speaker on Civility, Professionalism, and Ethics - audience attorneys - 2004, 2005, 2006, 2007, 2008, 2009;

Chicago - 7th Circuit Bar Association Annual Meeting - Panelist - on various legal and judicial topics - audience attorneys and Judges - some occasions between 2003 and present;

Chicago - Speaker - American Law Firm Midwest Regional Seminar - on settlement conferences in federal litigation - audience attorneys - 2004;

Merrillville - Panelist - Lake County Bar Association Seminar - on pre-trial practice in federal court - audience attorneys - 2007;

Hammond - Speaker - Federal Bar Association Seminar - discovery issues and jurisdiction issues - audience attorneys - 2015.

Appellate Moot Court Programs

I have judged appellate moot court competitions at:

Indiana University at Indianapolis (McKinney Law School);
Valparaiso University Law School;
University of Notre Dame Law School;
Ohio Northern University Law School.

Other Speaking

At the invitation of the DeKalb County Bar Association, Keynote Speaker at a dinner celebrating the 100th anniversary of the construction of the DeKalb County Courthouse - Auburn - spoke on the importance of the courthouse to the community - audience of approximately 900;

At the invitation of the University President, Baccalaureate speaker for Huntington University commencement weekend - main auditorium on campus - spoke on legal themes related to a passage in the Biblical book of Micah about justice, mercy, and humility - audience of approximately 750;

Allen County Bar Association - Fort Wayne - Law Day luncheon speaker - on U.S. Constitution separation of powers - 2006;

Elkhart County Bar Association - Elkhart - Law Day luncheon speaker - on U.S. Constitution separation of powers - 2006;

Indiana Bar Admission Ceremonies - Indianapolis - one of the speakers congratulating, and welcoming new Indiana attorneys - 2005, 2007, 2013, 2014, 2015;

United States Citizenship Naturalization Ceremonies - Hammond - presiding over the proceedings and congratulating, welcoming, and advising new U.S. citizens - approximately 35 ceremonies between 2003 and present;

Indiana Department of Child Services seminar - Angola - speaker on child abuse investigations - 1989;

Interviewed on radio programs:

WOWO Fort Wayne on prosecuting and sentencing in a drug dealing case 1989;

WBCL Fort Wayne on O.J. Simpson trial 1996;

WBCL Fort Wayne on common law / militia / patriot movement 1996;

Numerous Government classes at DeKalb High School giving a Law Day quiz and discussing the issues - nearly every year 1978 - 2003;

Numerous high school and college classes who visited my court room in both state and federal court to observe court proceedings and later answering questions and speaking to them on legal topics (estimate 50 - 60 occasions);

Guided and narrated numerous tours of the DeKalb County Courthouse (Auburn) giving historical comments for local citizens, tourists, school classes, various other groups;

As Prosecuting Attorney sponsored and spoke at several seminars for all law enforcement officers in DeKalb County on various criminal law topics.

I have spoken to various other groups on legal topics including court procedure, juvenile law, drinking and driving, illegal drugs, family law, legal

profession, judicial profession, mental health law and court procedure, criminal law, criminal procedure, church legal issues, trial procedure, child support, legal ethics, and the U.S. Constitution.

The miscellaneous groups to whom I have spoken on legal topics include classes at or from six high schools, one middle school, three elementary schools, 12 churches, and the DeKalb High School Honors Banquet, Eastside High School Honors Banquet, Eastside High School Baccalaureate, DeKalb County United Way Banquet, Alliance for Mentally Ill of Northeast Indiana, Auburn Rotary Club, Auburn Lions Club, Butler Rotary Club, Fort Wayne Legal Secretaries Association, Auburn Ministerial Association, Indiana Clerk's Association Annual Meeting, Auburn Police Department Citizens Academy, College of Court Reporting (Hobart), and the Lake County Legal Secretaries Association.

Also, at Huntington University I have spoken at student convocations, a chapel program, an artist-lecture series lecture, and the University Foundation membership; also, to Winebrenner Theological Seminary (Ohio) faculty, staff, and administration.

Criminal Benchbook Committee

While serving as DeKalb County Circuit Court Judge, I served five years on the Indiana Judges Criminal Benchbook Committee - 1991 - 1996.

Board Service

While serving as DeKalb County Circuit Court Judge I served:

Approximately 15 years on the Northeastern Indiana Court Appointed Special Advocate (GAL/CASA) Board of Directors; and

Approximately 15 years on the DeKalb County Public Defender Commission.

Indiana Parenting Time Guidelines

(This response is also a response at 6. B.)

While serving as DeKalb County Circuit Court Judge handling child visitation issues, I drafted a standard DeKalb Circuit Court Child Visitation and Access Order.

Some other state court Judges in northeast Indiana adopted *verbatim* its use in their courts (changing the name in the title to their court name).

When a study committee was formed by the Indiana Supreme Court to draft parenting time guidelines for possible state-wide adoption, the Chair of the Committee asked me for a copy of my standard Order and asked permission to consider it in the Committee's work.

The Indiana Parenting Time Guidelines were adopted by the Indiana Supreme Court in 2000; they took effect in 2001. I recognize the wording in portions of the guidelines to be similar to wording in my standard Order.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

Regarding political issues, in the 1980's at various times, I was a local Precinct Committeeman; was a Vice-Precinct Committeeman; once chaired a county-wide get-out-the-vote and voter registration drive; once attended a political party state convention; and helped organize parade participation for a political party.

Of course, once I became a Judge, I ceased all political activity.

In the 1999 election for Mayor of Fort Wayne, Democrat Graham Richard ran against Republican Linda Buskirk. The election results had

Graham Richard with a 76 vote lead. Republicans threatened a recount lawsuit and sought the sealing of all ballots until a recount could be held.

Allen County and Fort Wayne party officials and attorneys, for both the Democratic and Republican parties, all agreed to take the dispute to me saying I have a reputation to keep partisan politics out of the court system and for prompt decisions.

Attorneys for both political parties met with me in anticipation of the filing of a lawsuit. I gave them legal counsel, the issues were resolved, a recount was averted, and no lawsuit was filed.

C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

I served as Chair of the DeKalb County Needs Assessment Survey Committee, the work of which was to meet with DeKalb County leaders in various fields of business, industry, local government, social services, and the like to assess county-wide social and economic needs, to improve the quality of life, develop solutions, and issue a report. I guided several sub-committees. A written report was issued.

As Prosecuting Attorney, I served six years on the DeKalb County Drug Task Force, an active organization which met weekly. It generated the prosecution of many drug cases.

When Auburn experienced flooding, I filled sand bags during the night to help defend against rising water in a part of the city other than where I lived.

I sang in the DeKalb Oratorio Chorus community-wide free public performances of Handel's AMessiah@ 20 years and in the Michigan City

First Presbyterian Church community-wide free public performances of AMessiah@ for 10 years.

D. Describe the nature and extent of any *pro bono* legal services you have contributed.

When in the private practice of law for 10 years, I sometimes represented poor clients at reduced rates or at no charge.

E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

Huntington University (Huntington, Indiana)

1980-1983, 1987, 1989, 1991-2002

Adjunct faculty - evening classes - undergraduate courses

Business Law - 18 classes

American Constitutional Development - 1 class

Valparaiso University Law School (Valparaiso, Indiana)

2004 - present

Adjunct faculty - evening classes - law school courses for 3rd year students

Trial Advocacy - 12 classes

Advanced Discovery - 2 classes (a new course as of 2015)

Calumet College of St. Joseph (Whiting, Indiana)

2007 - 2014

Adjunct faculty - evening classes - undergraduate courses

Civil Litigation - 8 classes

Contracts - 8 classes

8. Memberships and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organization and of your involvement.

Seventh Circuit Bar Association - 2003 to present.

The purpose of the organization is to improve the skills, knowledge, and professionalism of the Judges and federal litigators in Indiana, Illinois, and Wisconsin.

Member. Attend the annual conferences. Occasional panelist at the annual conferences.

Federal Magistrate Judges Association - 2003 to present.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and discuss and address various issues.

Member. Attend some conferences.

DeKalb County Bar Association - 1978 to present.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and discuss and address various issues. Was an active member 1978 until 2003 when I moved to northwest Indiana to become a federal Judge. Regularly attended meetings. In 2003 the Bar Association voted that I be its first-ever (and still its only) lifetime member.

Indiana State Bar Association - 1978-2003.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and discuss and address various issues.

Was a member until 2003 when I became a federal Judge.

Indiana Judges Association - 1989-2003.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and discuss and address various issues.

Was a member until 2003 when I became a federal Judge. Attended various conferences and meetings.

Indiana Prosecuting Attorneys Association - 1980-1988.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and discuss and address various issues.

Was a member. Attended various conferences and meetings.

Indiana Judicial Conference Benchbook Committee - 1991-1996.

The purpose of the committee is to update and improve the benchbook for Indiana Judges on criminal law and procedure.

Was an active member. Attended meetings.

Benjamin Harrison Inn of Court - 1991-2003.

This is the Fort Wayne chapter of the Inns of Court organization. I was one of the original members and was designated as a Master member.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members and to especially encourage civility.

Was an active member. Attended meetings. Made occasional presentations as part of the education component.

DeKalb County Drug Task Force - 1982-1988.

The purpose of the organization is for all county law enforcement agencies to cooperate in reducing the use and sale of illegal drugs by initiating and overseeing undercover drug investigations leading to prosecution and also by public educational programs.

Was an active member. Attended meetings. Helped coordinate the work.

Northeastern Indiana CASA Board of Directors - 1989-2003.

The purpose of the organization is to advocate for the best interests of abused and neglected children in court cases.

Was an active member. Attended meetings.

DeKalb County Public Defender Commission - 1989-2003.

The purpose of the organization is to hire and, if necessary, terminate the DeKalb County Public Defender and to broadly oversee his or her work.

Was an active member. Attended meetings.

American Bar Association - 1978- sometime in 1980's.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members.

Did not actively participate.

American Trial Lawyers Association - 1978 - sometime in 1980's.

The purpose of the organization is to improve the skills, knowledge, and professionalism of its members.

Did not actively participate.

B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

DeKalb County Needs Assessment Survey Committee - mid 1990's.

The purpose of the organization was to meet with DeKalb County leaders in various fields of business, industry, local government, social services, and the like to assess county-wide social and economic needs for improving the general quality of life, develop solutions, and issue a report.

I served as Chair of the Committee.

C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

None.

D. Describe your hobbies and other leisure activities.

Running, reading, banjo, following major sports in the news.

9. Legal Proceedings

A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to, bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved (i.e. an adoption), use initials only).

Robert W. Farver and Beverly Farver v. 19 Defendants including me, another Judge, and several attorneys.

Filed September 14, 1995.

United States District Court, Northern District of Indiana 3:95-CV-749.

The Plaintiffs filed the lawsuit *pro se*.

The Plaintiffs were disgruntled litigants unhappy with a court order I signed.

As a state court Judge, I signed an order of foreclosure on their real estate due to delinquency in their mortgage payments.

The case was summarily dismissed by the court March 29, 1996.

Carolyn Herz Srivastava v. 34 Defendants including me, four other federal Judges, several attorneys, and other court officials.

Filed October 13, 2011.

Boone Superior Court, 06D02-1110-PL-164

The Plaintiff filed the lawsuit *pro se*.

The 35 page Complaint made outrageous, baseless, and sometimes incomprehensible allegations against all 34 Defendants in general.

The case was summarily dismissed by the Court October 20, 2011.

In Re the Marriage of Paul R. Cherry and Jeanette E. Cherry.

Petition for Dissolution of Marriage filed January 15, 2008.

Porter Superior Court, 64DO1-0801-DR-434.

Amicable dissolution of marriage. No minor children. All matters agreed.

No court hearings.

Decree of Dissolution of Marriage issued by the Court March 10, 2009.

B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None.

C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

None.

D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.

10. References

A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

John M. Kopack

George M. Plews

Thomas L. Davis

B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

Hon. Randall T. Shepard

Hon. Phillip P. Simon

David A. Capp

C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Hon. Robert C. Probst

Hon. Monte L. Brown

Lawrence W. Levin

11. State Police Release Form and Photograph

A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.

Completed State Police release form is included with original of this application.

B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person).

Photograph included.

OTHER

Indiana Supreme Court “Go To Judge”

When I was DeKalb Circuit Court Judge, the Indiana Supreme Court appointed me as Special Judge in several high profile or complex cases in other counties and as its hearing officer in some attorney ethics cases and judicial ethics

cases. The Supreme Court sometimes referred to me as its “go to Judge” for Special Judge matters.

In 1997 the Indiana Supreme Court appointed me as Presiding Master on a panel of three Judges to preside over two contested disciplinary proceedings against an Indiana trial court Judge. I conducted a three day trial in the Indiana Supreme Court room. I drafted the written findings and recommendations. Each of my recommendations were adopted by the Supreme Court *verbatim* in its Order including that the Judge be permanently removed from the bench.

In Re The Matter Of Joseph G. Edwards
Indiana Supreme Court, 18S00-9706-JD-361 and 18S00-9709-JD-482

Settlement Conferences

During my service as federal Judge I have conducted 150 settlement conferences in federal civil lawsuits. Most of these were done in cases for other federal Judges at their request. A few were done in my own cases.

Judicial Experience

I have been a trial Judge for 27 years. Should I be appointed to the Indiana Supreme Court, I will have more judicial experience than any of the other Justices.

Election Experience

I ran for public office in five primary elections and five general elections B twice for Prosecuting Attorney and thrice for Circuit Court Judge. I won all 10 elections.

In my last four elections I received more votes in DeKalb County than any other federal, state, or local candidate from either political party.

Public Service

I have been in public (governmental) service continuously for over 35 years.

Geographic Breadth

I was an attorney, Prosecuting Attorney, and Circuit Court Judge in northeast Indiana for 25 years and I have been a federal Judge in northwest Indiana for 12 years. I am well known in the legal communities and the broader general communities in both of these regions of the state.

Wife's Court-Related Work

My wife, Kristi, is the Executive Director of Northeastern Indiana CASA, Inc. It is the Court Appointed Special Advocate (GAL/CASA) program for the Indiana courts in DeKalb, Noble, Steuben, LaGrange, and Whitley counties.

She began as a CASA volunteer over 15 years ago. She became the Executive Director over 10 years ago.

She is Chair of the Indiana State Advisory Commission on GAL/CASA.

She is Chair of the state CASA Best Practices and Standards Committee.

She was named state-wide CASA Director of the Year in 2009.

Service in Higher Education

I have served in higher education through my involvement with Huntington University. It is a 118 year old, private, Christian, liberal arts institution in Huntington, Indiana. My involvement includes:

B Graduated in 1973 with a Bachelor of Arts degree, with honors (major in History with a concentration in Business);

B Alumni Board 1970's;

B Board of Trustees 23 years B 1985-2007;

B Chair, Board of Trustees 6 years (term limits) B 1998-2004;

B Board of Trustees: Student Development Committee (Chair); Finance Committee; Board Development Committee; Executive Committee (Chair);

B University Task Force (Chair);

B Two Presidential Search Committees;

B Adjunct faculty (night classes) 18 years B taught 18 semesters of Business Law and 1 semester of American Constitutional Development;

B Baccalaureate speaker May 2003;

B Chapel / Convocation speaker;

B Alumnus of the Year 1989;

B Received Presidential Medallion as one of the 100 most influential people in the 100 year history of the college 1997;

B Wrote a history of the college;

B Financial contributor more than 35 consecutive years.

January 1, 2016

Applicant's Signature

Paul R. Cherry

Printed Name